



DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

[Docket No. FSIS-2016-0011]

Retail Exemptions Adjusted Dollar Limitations

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice.

SUMMARY: The Food Safety and Inspection Service (FSIS) is announcing the dollar limitations on the amount of meat and meat food products, poultry, and poultry products that a retail store can sell to hotels, restaurants, and similar institutions without disqualifying itself for exemption from Federal inspection requirements. In accordance with FSIS's regulations, for calendar year 2016, the dollar limitation for meat and meat food products is being increased from \$76,900 to \$79,200. The new value for the dollar limitation for poultry and poultry products remains unchanged at \$58,200. FSIS is changing the dollar limitations from calendar year 2015 based on price changes for these products evidenced by the Consumer Price Index.

FSIS has provided an 18-month transitional period for mandatory inspection of Siluriformes fish and fish products. FSIS is currently considering the retail dollar limitations for this product. At this time, FSIS will not apply the meat retail dollar limitations to Siluriformes fish and fish

products sold at retail because FSIS is assessing retail and similar institutions that produce this product during the 18-month period and because the Consumer Price Index for meat and meat products does not apply to Siluriformes fish and fish products.

DATES: Effective Date: [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

FOR FURTHER INFORMATION CONTACT: Gina Kouba, Issuances Staff, Office of Policy and Program Development, Food Safety and Inspection Service, USDA, 1400 Independence Avenue SW., Room 6067, South Building, Washington, DC 20250; (202) 690-6510.

SUPPLEMENTARY INFORMATION:

Background

The Federal Meat Inspection Act (21 U.S.C. 601 et seq.) and the Poultry Products Inspection Act (21 U.S.C. 451 et seq.) provide a comprehensive statutory framework to ensure that meat, meat food products, poultry, and poultry products prepared for commerce are wholesome, not adulterated, and properly labeled and packaged. Statutory provisions requiring inspection of the preparation or processing of meat, meat food, poultry, and poultry products do not apply to operations of types traditionally and usually conducted at retail stores and restaurants when those operations are conducted at any retail store or restaurant or similar retail-type establishment for

sale in normal retail quantities (21 U.S.C. 661(c)(2) and 454(c)(2)). FSIS's regulations (9 CFR 303.1(d) and 381.10(d)) elaborate on the conditions under which requirements for inspection do not apply to retail operations involving the preparation of meat and meat food, and processing of poultry and poultry products.

Sales to Hotels, Restaurants, and Similar Institutions

Under these regulations, sales to hotels, restaurants, and similar institutions (other than household consumers) disqualify a retail store for exemption if the product sales exceed either of two maximum limits: 25 percent of the dollar value of total product sales or the calendar year dollar limitation set by the Administrator. The dollar limitation is adjusted automatically during the first quarter of the year if the Consumer Price Index (CPI), published by the Bureau of Labor Statistics, shows an increase or decrease of more than \$500 in the price of the same volume of product for the previous year. FSIS publishes a notice of the adjusted dollar limitations in the Federal Register. (See 9 CFR 303.1(d)(2)(iii)(b) and 381.10(d)(2)(iii)(b).)

The CPI for 2015 reveals an annual average price increase for meat and meat food products at 3.03 percent and for poultry products at 0.4 percent. When rounded to the nearest \$100, the dollar limitation for meat and meat food products increased by \$2,327 and the dollar limitation for poultry products increased

by \$231. In accordance with 9 CFR 303.1(d)(2)(iii)(b) and 381.10(d)(2)(iii)(b), because the dollar limitation of meat and meat food products and poultry products increased by more than \$500, FSIS is increasing the dollar limitation on sales to hotels, restaurants, and similar institutions to \$79,200 for meat and meat food products. Because the increase in poultry prices is less than \$500, FSIS is making no adjustment in dollar limitation for poultry and poultry products. The dollar limitation for poultry and poultry products remains unchanged at \$58,200.

Additional Public Notification

FSIS will announce this rule online through the FSIS Web page located at <http://www.fsis.usda.gov/federal-register>.

FSIS will also make copies of this Federal Register publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, Federal Register notices, FSIS public meetings, and other types of information that could affect or would be of interest to constituents and stakeholders. The Update is communicated via Listserv, a free electronic mail subscription service for industry, trade groups, consumer interest groups, health professionals, and other individuals who have asked to be included. The Update is also available on the FSIS Web page. In addition, FSIS offers an electronic mail

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Send your completed complaint form or letter to USDA by mail, fax, or email:

Mail

U.S. Department of Agriculture
Director, Office of Adjudication
1400 Independence Avenue, SW
Washington, DC 20250-9410

Fax

(202) 690-7442

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Persons with disabilities who require alternative means for communication (Braille, large print, audiotape, etc.), should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

Done, at Washington, DC on: May 4, 2016.

Alfred V. Almanza,
Acting Administrator.

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